

105TH CONGRESS
2D SESSION

H. R. 3954

To clarify the standard required for the importation of sporting arms into the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1998

Mr. BARR of Georgia (for himself, Mr. HAYWORTH, Mr. MOLLOHAN, Mr. STENHOLM, Mr. HERGER, Mr. BOUCHER, Mr. HASTINGS of Washington, Mr. SESSIONS, Mr. BARTON of Texas, Mr. BUNNING, Mr. NORWOOD, Mr. CUNNINGHAM, Mr. STUMP, Mr. BRADY of Texas, Mr. CRAPO, Mr. CANNON, Mr. NETHERCUTT, Mr. GOODE, Mr. WISE, Mr. BARCIA, Mr. WATTS of Oklahoma, Mr. EHRLICH, Mr. CRANE, Mr. NEY, Mr. YOUNG of Alaska, and Mr. BARTLETT of Maryland) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To clarify the standard required for the importation of sporting arms into the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer’s Choice
5 Protection Act of 1998”.

6 **SEC. 2. FINDINGS; PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Citizens have a right, under the Second
2 Amendment to the United States Constitution, to
3 keep and bear arms. The Gun Control Act of 1968
4 and the Firearms Owners Protection Act of 1986
5 were not enacted by Congress with the intent of
6 frustrating the free exercise of that right, including
7 giving law abiding firearms owners the widest pos-
8 sible consumer choice in firearms types and models.

9 (2) The Congress has only twice in the Nation's
10 history, in 1934 and in 1994, elected to limit, re-
11 strict, or prohibit the type of firearm a law abiding
12 citizen may own. Of the 2 actions, the last one by
13 Congress in 1994 was only taken after a long and
14 very divisive debate, resulting in passage of the re-
15 strictions by only a very few votes. Subsequently in
16 1996, the House of Representatives, but not the
17 Senate, passed a measure to repeal the 1994 owner-
18 ship restrictions.

19 (3) The Secretary of the Treasury, pursuant to
20 section 925(d) of title 18, United States Code, is
21 charged by Congress to approve the importation of
22 firearms into the United States for private owner-
23 ship if such firearms are determined to be for
24 “sporting purposes”.

1 (4) The executive branch has interpreted
2 “sporting purposes” in a narrow and obstructive
3 manner, impeding firearms imports over the years,
4 interfering with the citizenry’s constitutional rights,
5 and diminishing consumer choice to the point where
6 the current administration has clearly and forcefully
7 indicated its intent to ban the importation of fire-
8 arms that are not only lawful to own if domestically
9 produced in the United States, but otherwise meet
10 the criteria that the Congress and the current ad-
11 ministration defined in 1994 for a lawful firearm.

12 (b) PURPOSE.—The purposes of this Act are as fol-
13 lows:

14 (1) To clarify the standard used to import fire-
15 arms into the United States.

16 (2) To make it clear that firearms imports may
17 not be subject to discriminatory treatment, and that
18 citizens should retain the choice to own and use such
19 firearms for all lawful purposes, including hunting,
20 self defense, collecting, competitive shooting, or
21 plinking.

22 (3) To prevent the further impediment of com-
23 merce by providing for a fast track consideration of
24 import permits.

1 **SEC. 3. MODIFICATION OF STANDARD FOR IMPORTATION**
2 **OF FIREARMS.**

3 (a) IN GENERAL.—Section 925(d) of title 18, United
4 States Code, is amended to read as follows:

5 “(d)(1) Within 30 days after the Secretary receives
6 an application therefor, the Secretary shall authorize a
7 firearm or ammunition to be imported or brought into the
8 United States or any possession thereof if the firearm or
9 ammunition—

10 “(A) is being imported or brought in for sci-
11 entific or research purposes, or is for use in connec-
12 tion with competition or training pursuant to chap-
13 ter 401 of title 10;

14 “(B) is an unserviceable firearm, other than a
15 machinegun as defined in section 5845(b) of the In-
16 ternal Revenue Code of 1986 (not readily restorable
17 to firing condition), imported or brought in as a
18 curio or museum piece;

19 “(C) is not—

20 “(i) a firearm (as defined in section
21 5845(a) of the Internal Revenue Code of 1986);
22 or

23 “(ii) subject to the prohibition of section
24 922(v) of this title,

25 and if the Secretary has denied an application to im-
26 port a firearm pursuant to this subparagraph, it

1 shall be unlawful to import any frame, receiver, or
2 barrel of such firearm which would be prohibited if
3 assembled; or

4 “(D) was previously taken out of the United
5 States or a possession by the person who is bringing
6 in the firearm or ammunition.

7 “(2) Within 30 days after the Secretary receives an
8 application therefor, the Secretary shall permit the condi-
9 tional importation or bringing in of a firearm or ammuni-
10 tion for examination and testing in connection with the
11 making of a determination as to whether the importation
12 or bringing in of such firearm or ammunition will be al-
13 lowed under this subsection.”.

14 (b) CONFORMING AMENDMENT.—Section 922(r) of
15 such title is amended by striking “925(d)(3)” and insert-
16 ing “925(d)(1)(C)”.

17 **SEC. 4. EFFECTIVE DATE.**

18 The amendments made by this Act shall apply to ap-
19 plications pending on or after October 1, 1998.

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